

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

GORDON CASEY and DUANE SKINNER,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

CITIGROUP, INC., CITIBANK, N.A.,  
CITIMORTGAGE, INC., MIDFIRST BANK,  
N.A. d/b/a MIDLAND MORTGAGE, and  
FIRSTINSURE, INC.,

Defendants.

Civil Case No. 5:12-cv-820  
(DNH/DEP)

**NOTICE OF PLAINTIFF'S MOTION  
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE:

Motion By: Nichols Kaster, PLLP, Berger & Montague, P.C., and Taus, Cebulash & Landau, LLP  
*Attorneys for Plaintiff Gordon Casey and the Settlement Class*

Return Date: September 26, 2014 at 10:00 a.m. before the Honorable David N. Hurd,  
U.S. District Judge for the Northern District of New York.

Supporting Papers: Memorandum of Law in Support of Plaintiff's Motion for Final Approval  
of Class Action Settlement; Declaration of L. Stephen Tilghman;  
Declaration of Kai Richter; Declaration of Shanon Carson.

Relief Requested: An order, pursuant to Fed. R. Civ. P. 23, (1) granting final approval of the  
Class Action Settlement Agreement ("Settlement Agreement") between  
Plaintiff and Defendants MidFirst Bank and FirstInsure, Inc. (the  
"MidFirst Defendants"); (2) certifying the Settlement Class, as defined in  
the Settlement Agreement, for settlement purposes; (3) finding that the  
Notice of Class Action Settlement provided in this action satisfies the  
requirements of due process and Fed. R. Civ. P. 23; (4) finding that the  
Settlement Agreement is fair, reasonable and adequate to the Settlement  
Class, and that each Settlement Class Member who did not submit a  
timely and valid request to opt-out of the Settlement shall be bound by the

Settlement Agreement; (5) dismissing on the merits and with prejudice all claims asserted in the Action on behalf of the Settlement Class against the MidFirst Defendants; (6) permanently enjoining each and every Settlement Class Member (excluding those Settlement Class Members who submitted a timely and valid request to opt-out), and any person actually or purportedly acting on their behalf, from bringing, joining, or continuing to prosecute against the MidFirst Defendants any action asserting the Released Claims; and (7) retaining jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation, and enforcement of the Settlement.

Answering Papers: The requested relief is unopposed by the MidFirst Defendants, and no Settlement Class member has filed an objection to the requested relief in response to the Class Notice.

Dated: September 12, 2014

/s/ Kai Richter

Kai Richter, Bar Roll No. 517574\*

E. Michelle Drake, Bar Roll No. 517575\*

Joseph C. Hashmall, Bar Roll No. 518376\*

\*(admitted *pro hac vice*)

**NICHOLS KASTER, PLLP**

4600 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

Telephone: (612) 256-3200

Fax: (612) 215-6870

Email: krichter@nka.com

drake@nka.com

jhashmall@nka.com

**BERGER & MONTAGUE, P.C.**

Shanon J. Carson, Bar Roll No. 303059

Sarah R. Schalman-Bergen\*

Patrick F. Madden

\*(admitted *pro hac vice*)

1622 Locust Street

Philadelphia, PA 19103

Telephone: (215) 875-4656

Facsimile: (215) 875-4604

Email: scarson@bm.net

sschalman-bergen@bm.net

pmadden@bm.net

**TAUS, CEBULASH & LANDAU, LLP**

Brett Cebulash, Bar Roll No. 517930

Kevin S. Landau, Bar Roll No. 517929

80 Maiden Lane, Suite 1204  
New York, NY 10038  
Telephone: (212) 931-0704  
Facsimile: (212) 931-0703  
Email: bcebulash@tcllaw.com  
klandau@tcllaw.com

***ATTORNEYS FOR PLAINTIFF AND THE  
SETTLEMENT CLASS***